



WINGS CONFERENCE | 16
THURSDAY, MARCH 17 SEATTLE, WASHINGTON 8:00 AM - 5:00 PM

STANDARDS AND BEST PRACTICE 

WINGS II Guardianship Conference
Court Monitoring Sub-Committee

March 17, 2016



- Court Monitoring Sub-Committee Goals
 - Identify strategies to facilitate guardianship case monitoring.
 - Recommend standards, guidelines, and best practices.



Committee Members:

Kristen Denton, Skagit County Guardianship Monitoring Program Coordinator, Deputy Clerk, Skagit County Clerk's Office

Ana Kemmerer, Coordinator, Spokane County Guardianship Monitoring Program, Spokane County Superior Court

Deborah Jameson, Attorney at Law, Neil & Neil

Fona Sugg, Court Administrator, Chelan County Superior Court

Charlotte Jensen, Court Business Information Coordinator, Washington Administrative Office of the Courts



4

STANDARDS AND BEST PRACTICE



Best Practices from 2009

- | | |
|---|--|
| • Designate specific judicial officers to a guardianship calendar | |
| • All liquid assets over \$3,000 are fully bonded or in a blocked account | |
| • Identify case reporting dates | |
| • Use a stepped range of sanctions for failure to file reports | |



6

STANDARDS AND BEST PRACTICE





Best Practices from 2009

- Develop checklists for reviewing accounts and personal care plans
- Require court approval of all guardian reports
- Require court approval for specific transactions



7

STANDARDS AND BEST PRACTICE



Best Practices from 2009

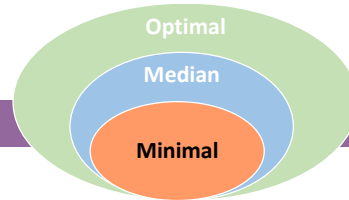
- | | |
|---|------|
| • Develop a process for filing complaints against guardians | DONE |
| • Develop a court website with links to resources and forms | |
| • Appoint a guardian ad litem to investigate when needed | DONE |



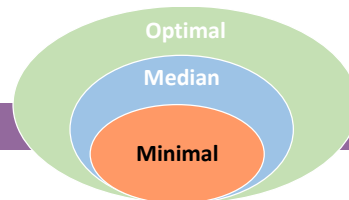
8

STANDARDS AND BEST PRACTICE

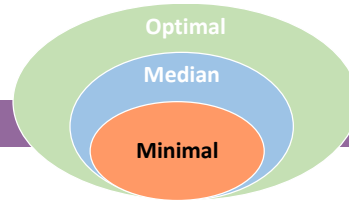




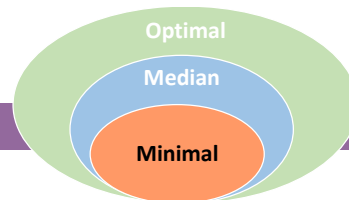
- Make lay guardian training materials in written form.
- Incorporate local court policies and practices in the training materials.
- Make forms available. Modify the statewide forms to incorporate local practices.



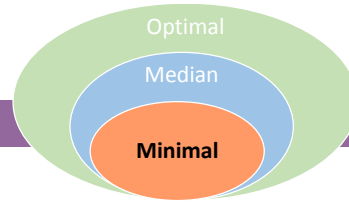
- Adopt local guardianship forms and guides.
 - Standard declaration of proposed lay or professional guardian that includes no felony or misdemeanor statement.
 - Include a statement in the annual report that the guardian has no criminal charges/conviction.



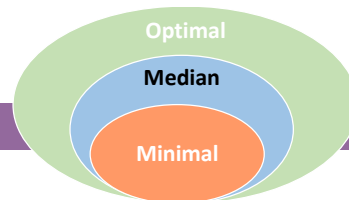
- “You’ve Filed a Guardianship . . . Here’s What to Expect”
- Enforce a complete guardianship summary.



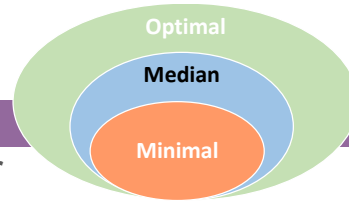
- Start some type of guardianship monitoring.
 - List of open guardianship cases.
 - What type of accounting was ordered?
 - When was it ordered?
 - When is the report due?
 - Tickle 30 days ahead and send out notice.
 - No response . . . Set a hearing.



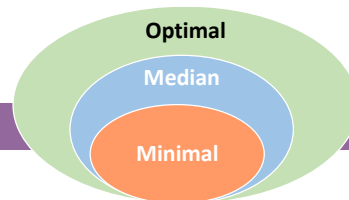
- At filing:
 - File
 - Get guardian ad litem information
 - Proceed to ex parte for order
 - Provide/remind about service



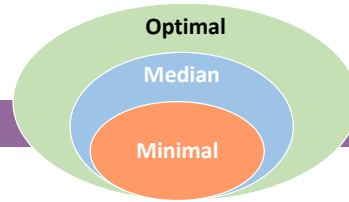
- Well-established judicial officer rotation with same judge hearing guardianship cases.
- Calendar future hearings at the time of a court appearance.
- On your local court web site, include information about local court processes and links to all forms, packets.



- Create in-person training for lay guardian.
- In-person training should include a manual.
- Make procedural instructions available.
- Create a separate in-person training for self-represented petitioners.
- Make “petitioning packet” available for self-represented petitioner.
- Make a separate packet available for the lay guardian.



- Establish a Guardianship Facilitator Program.
- Use Guardianship Facilitator in the courtroom during hearings.
- Adopt a complete set of all guardianship forms, modified for local court processes.
- Include a completed sample for each form.



- Adopt a complete set of all guardianship forms, modified for local court processes.
- Include a completed sample for each form.
- Adopt local court rules establishing:
 - Guardianship monitoring calendar
 - Use of the guardianship facilitator
 - Use of standardized forms



Best Practices from 2009

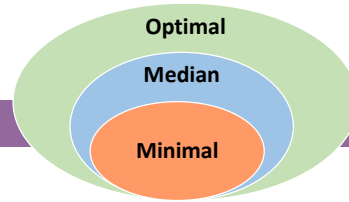
• Designate specific judicial officers to a guardianship calendar	<i>Median Optimal</i>
• All liquid assets over \$3,000 are fully bonded or in a blocked account	<i>All</i>
• Identify case reporting dates	<i>All</i>
• Use a stepped range of sanctions for failure to file reports	<i>All</i>

Best Practices from 2009	
• Develop checklists for reviewing accounts and personal care plans	<i>All</i>
• Require court approval of all guardian reports	<i>All</i>
• Require court approval for specific transactions	<i>All</i>

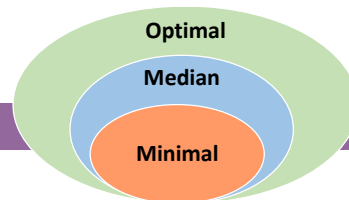

20
STANDARDS AND BEST PRACTICE


Best Practices from 2009	
• Develop a process for filing complaints against guardians	Implemented
• Develop a court website with links to resources and forms	
• Appoint a guardian ad litem to investigate when needed	Implemented


21
STANDARDS AND BEST PRACTICE




- Other Best Practices
 - Collaboration
 - Consistent Message
 - Consistent Docketing Practices
 - *In forma pauperis* Order Docketed
 - Incorporate RCW 2.28.210 process
 - Use reporting tools



- Other Best Practices
 - Recommendations for JIS searches.
 - Use JABS
 - Public users can search Odyssey cases at:
<https://odysseyportal.courts.wa.gov/odyportal>
 - Use public case search on court site for all other counties.
 - Always include the docket code on pleadings.

CAUSE: GDN GUARDIANSHIP			STATUS: ACT	DATE: 04/16/2014
SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
-	04 16 2014	NOTE	GDN APPTD: 06-12-2014	09-12-2016G1
	04 16 2014	NOTE	LEILAH GDN APPTD 06-12-2014	09-12-2016G1
	04 16 2014	NOTE	OATH: CAROLINE	09-12-2016G1
	04 16 2014	NOTE	OATH: OHANA FIDUCIARY CORP - E	
	04 16 2014	NOTE	BOND: \$100,000.00	
	04 16 2014	NOTE	BOND FILED: 06-15-2015	
	04 16 2014	NOTE	LOSS OF VOTING RIGHTS: N/A	
	04 16 2014	NOTE	GDN TRAINING: SMITH /06-10-2014	
	04 16 2014	NOTE	INVENTORY: 09-10-2014	
	04 16 2014	NOTE	PERSONAL CARE PLAN: 10-29-2015	
	04 16 2014	NOTE	STANDBY GUARDAIN: 10-02-2014	
	04 16 2014	NOTE		
		ACTION		
		ACTION		
1	04 16 2014	PTAPGD	PET FOR APPT OF GUARDIAN	

02 27 2015 ORAPGD ORDER APPOINTING GUARDIAN
 LETTERS EXPIRE: 06-27-2016
 BOND SET @ \$10,000.00

NOTE1: *CONF FOLDER **\$10,000.00 BOND SUBJECT TO REVIEW**

NOTE2:

NOTE1: BOND RECEIVED \$150,00.

NOTE2: LTRS EXP 1/3/19

CAUSE: GDN GUARDIANSHIP

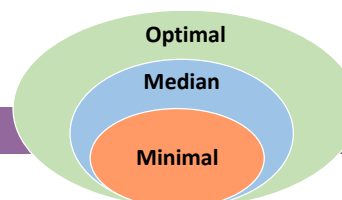
STATUS: ACT

DATE: 10/31/2013

14	05 08 2015	ORAPGD	ORDER APPOINTING GUARDIAN	09-02-2016GD
		ACTION	ACCOUNTING (1)	
		ACTION	ACCTING DUE NO LATER THAN 8/5/16	
		JDG06	JUDGE KEVIN D. HULL, DEPT 6	
		LGD01	TAY	
		LGD02	TAY	

Most Recent Events & Hearings		Case Summary	case cross reference
	01/15/2016 Declaration/Affidavit <i>Guardian Training Alice</i>		JIS/SCOMIS Case Number 15-4-00723-2
	01/15/2016 Declaration/Affidavit <i>Guardian Training Ed</i>		flags & actions due
	01/15/2016 Oath <i>Standby Guardian</i>		
	01/15/2016 Designation of Standby Guardian		
	01/12/2016 Notice <i>right to request special notice</i>		
	01/10/2016 Oath		
	01/08/2016 Approve/Review Guardianship Report (Judicial Officer: 2:00 PM Events: 12/11/2015 Notice of Continuance		
	01/08/2016 Motion Hearing		
	01/08/2016 Order Appointing Guardian View more events		

25 01 15 2016 DGSBG DESIGNATION OF STANDBY GUARDIAN
 26 01 15 2016 OA OATH
 27 01 15 2016 DCLR STANDBY GUARDIAN
 28 01 15 2016 DCLR DECLARATION
 28 01 15 2016 DCLR GUARDIAN TRAINING ED
 28 01 15 2016 DCLR DECLARATION
 28 01 15 2016 DCLR GUARDIAN TRAINING ALICE



- Other Suggestions
 - Require Washington State Background check for a Guardian.
 - Information about Portal.
 - Check with local bar association for volunteer attorneys in the courtroom.
 - Use volunteers.



Vision Status:

- Courts start or expand a guardianship monitoring program by adopting one or more guardianship monitoring recommendations.
- Courts' guardianship monitoring programs have available tools and strategies to proactively monitor guardianship cases.



Questions?

